

## AMENDMENTS TO HOUSE BILL NO. 1795

Sponsor: SENATOR PITTMAN

Printer's No. 3513

1 Amend Bill, page 1, line 6, by inserting after "meetings"

2 , for quorums

3 Amend Bill, page 1, line 10, by inserting after "meetings"

4 , for quorums

5 Amend Bill, page 1, line 16, by inserting after "meetings"

6 , for quorums

7 Amend Bill, page 2, line 6, by striking out "declarant or"

8 Amend Bill, page 2, lines 10 and 11, by striking out "AND

9 SPECIALIZES IN CONDOMINIUMS OR REAL ESTATE LAW"

10 Amend Bill, page 2, line 14, by striking out "a" where it

11 occurs the second time and inserting

12 the

13 Amend Bill, page 2, line 16, by striking out "a" where it

14 occurs the second time and inserting

15 the

16 Amend Bill, page 2, line 18, by striking out "a" and

17 inserting

18 the

19 Amend Bill, page 3, lines 10 through 30; page 4, lines 1

20 through 5; by striking out all of said lines on said pages

21 Amend Bill, page 4, lines 29 and 30, by striking out "If a

22 third-party vendor conducts the election, the" and inserting

23 The

1 Amend Bill, page 5, lines 3 through 6, by striking out "The  
2 executive" in line 3, all of lines 4 and 5 and "conducts the  
3 election." in line 6

4 Amend Bill, page 5, lines 8 through 12, by striking out all  
5 of lines 8 through 11 and "owner's vote." in line 12 and  
6 inserting  
7 accordance with the approved methods of voting as  
8 provided in this subpart.

9 Amend Bill, page 5, lines 16 and 17, by striking out all of  
10 said lines and inserting

11 a vote of at least 51% of the votes collected from the  
12 unit owners in person, electronically or by absentee ballot  
13 which are in favor of the requirements under this paragraph.

14 Amend Bill, page 5, line 27, by inserting after "considered"  
15 , as provided under section 4303(g) (relating to executive  
16 board members and officers)

17 Amend Bill, page 5, line 28, by striking out "and 3308" and  
18 inserting  
19 , 3308 and 3309(a)

20 Amend Bill, page 6, lines 12 and 13, by striking out ", vote  
21 by proxy"

22 Amend Bill, page 6, lines 15 through 17, by striking out  
23 "collected" in line 15, all of line 16 and "absentee ballot  
24 WHICH ARE IN FAVOR OF THE AMENDMENT" in line 17 and inserting  
25 in the association are allocated

26 Amend Bill, page 6, line 24, by inserting after "meeting"  
27 and following notice to the unit owners

28 Amend Bill, page 6, line 28, by striking out "within five  
29 days after" and inserting  
30 by the commencement of

31 Amend Bill, page 7, line 2, by striking out "In-person

1 association meetings" and inserting

2 Timing and notice

3 Amend Bill, page 7, line 3, by striking out "in-person"

4 Amend Bill, page 7, line 13, by striking out the bracket  
5 before "any"

6 Amend Bill, page 7, line 13, by striking out "]" an in-person"

7 Amend Bill, page 7, lines 19 through 30; page 8, lines 1  
8 through 5; by striking out all of said lines on said pages and  
9 inserting

10 (b) Delivery of notice.--The bylaws must require that notice  
11 of virtual meetings of the association be given by:

12 (1) First class or express mail, postage prepaid, or  
13 courier service, charges prepaid, to the mailing address of  
14 each unit or to any other mailing address designated in  
15 writing by the unit owner. Notice under this paragraph shall  
16 be deemed to have been given to a unit owner when deposited  
17 in the United States mail or with a courier service for  
18 delivery to the unit owner.

19 (2) Facsimile transmission, e-mail or other electronic  
20 communication to the unit owner's facsimile number or address  
21 for e-mail or other electronic communications supplied by the  
22 unit owner, provided that the unit owner has agreed in  
23 writing to accept the notice by electronic means or where the  
24 bylaws expressly permit means of delivering electronic  
25 notice. Notice under this paragraph shall be deemed to have  
26 been given to the unit owner when sent.

27 Amend Bill, page 8, line 6, by striking out "(b)" and  
28 inserting

29 (c)

30 Amend Bill, page 8, lines 13 through 28, by striking out all  
31 of said lines and inserting

32 (d) Pre-election sessions.--The bylaws must require that, in  
33 the event that there are more candidates than open positions on  
34 the executive board, then, upon request of one or more of the  
35 candidates, the association shall hold a special session at  
36 least seven days before the election of an executive board  
37 member to allow the unit owners to meet each candidate for an  
38 executive board position. Each candidate for an executive board  
39 position shall have equal time to address the unit owners during

1 a special session under this subsection.  
2 (e) Recorded meeting.--Unless the bylaws provide otherwise,  
3 meetings of the association may be recorded by the executive  
4 board via audio or video technology, provided that an  
5 announcement is made by the presiding officer at the  
6 commencement of the meeting that the meeting will be recorded. A  
7 recorded meeting under this subsection shall be maintained and  
8 available to unit owners for a period of no less than six months  
9 after the date of the meeting.

10 § 3309. Quorums.

11 (a) Association.--

12 (1) Unless the bylaws provide otherwise, a quorum is  
13 deemed present throughout any meeting of the association if  
14 persons entitled to cast 20% of the votes which may be cast  
15 for election of the executive board are present in person or  
16 by proxy at the beginning of the meeting. The bylaws may  
17 require a larger percentage or a smaller percentage not less  
18 than 10%.

19 (2) If the association fails to meet a quorum at two  
20 subsequent meetings under this subsection, the association  
21 may utilize the provisions under 15 Pa.C.S. § 5756(b)  
22 (relating to quorum) to meet quorum requirements, except as  
23 otherwise provided in the declaration or bylaws of the  
24 association.

25 \* \* \*

26 Amend Bill, page 10, line 21, by striking out "declarant or"

27 Amend Bill, page 10, lines 25 and 26, by striking out

28 "SPECIALIZING IN COOPERATIVE OR REAL ESTATE LAW"

29 Amend Bill, page 10, line 30, by striking out "a" and  
30 inserting

31 the

32 Amend Bill, page 11, line 3, by striking out "a" and  
33 inserting

34 the

35 Amend Bill, page 11, line 5, by striking out "a" and  
36 inserting

37 the

38 Amend Bill, page 11, lines 26 and 27, by striking out "If a  
39 third-party vendor conducts the election, the" and inserting

40 The

1 Amend Bill, page 12, lines 1 through 3, by striking out "The  
2 executive board shall ensure that" in line 1, all of line 2 and  
3 "the third-party vendor that conducts the election." in line 3

4 Amend Bill, page 12, lines 5 through 9, by striking out  
5 "either an electronic or a paper" in line 5, all of lines 6  
6 through 8 and "to submit the proprietary lessee's vote." in line  
7 9 and inserting  
8 accordance with the approved methods of voting as provided  
9 under this subpart.

10 Amend Bill, page 12, line 18, by striking out "(6) and 4308"  
11 and inserting

12 (6), 4308 and 4309(a)

13 Amend Bill, page 13, lines 10 and 11, by striking out ", VOTE  
14 BY PROXY"

15 Amend Bill, page 13, lines 13 through 15, by striking out  
16 "COLLECTED" in line 13 and all of lines 14 and 15 and inserting  
17 in the association are allocated.

18 Amend Bill, page 13, line 22, by inserting after "meeting"  
19 and following notice to the unit owners

20 Amend Bill, page 13, line 27, by striking out "within five  
21 days after" and inserting  
22 by the commencement of

23 Amend Bill, page 13, line 30, by striking out "In-person  
24 association meetings.--An in-person" and inserting  
25 Timing and notice.--A

26 Amend Bill, page 14, lines 20 through 30; page 15, lines 1  
27 through 8; by striking out all of said lines on said pages and  
28 inserting

29 (b) Delivery of notice.--The bylaws must require that notice  
30 of virtual meetings of the association be given by:  
31 (1) First class or express mail, postage prepaid, or

courier service, charges prepaid, to the mailing address of each unit or to any other mailing address designated in writing by the proprietary lessee. Notice under this paragraph shall be deemed to have been given to a proprietary lessee when deposited in the United States mail or with a courier service for delivery to the proprietary lessee.

(2) Facsimile transmission, e-mail or other electronic communication to the proprietary lessee's facsimile number or address for e-mail or other electronic communications supplied by the proprietary lessee, provided that the unit owner has agreed in writing to accept the notice by electronic means or where the bylaws expressly permit means of delivering electronic notice. Notice under this paragraph shall be deemed to have been given to the proprietary lessee when sent.

Amend Bill, page 15, line 9, by striking out "(b)" and inserting

(c)

Amend Bill, page 15, lines 16 through 30; page 16, line 1; by striking out all of said lines on said pages and inserting

(d) Pre-election sessions.--The bylaws must require that, in the event that there are more candidates than open positions on the executive board, then, upon request of one or more of the candidates, the association shall hold a special session at least seven days prior to the election of an executive board member to allow the proprietary lessees to meet each candidate for an executive board position. Each candidate for an executive board position shall have equal time to address the proprietary lessees during a special session under this subsection.

(e) Recorded meeting.--Unless the bylaws provide otherwise, meetings of the association may be recorded by the executive board via audio or video technology, provided that an announcement is made by the presiding officer at the commencement of the meeting that the meeting will be recorded. A recorded meeting under this subsection shall be maintained and available to proprietary lessees for a period of no less than six months after the date of the meeting.

§ 4309. Quorums.

(a) Association.--

(1) Unless the bylaws provide otherwise, a quorum is deemed present throughout any meeting of the association if persons entitled to cast 20% of the votes which may be cast for election of the executive board are present in person or by proxy at the beginning of the meeting. The bylaws may require a larger percentage or a smaller percentage not less than 10%.

(2) If the association fails to meet a quorum at two

1 subsequent meetings under this subsection, the association  
2 may utilize the provisions under 15 Pa.C.S. § 5756(b)  
3 (relating to quorum) to meet quorum requirements, except as  
4 otherwise provided in the declaration or bylaws of the  
5 association.  
6 \* \* \*

7 Amend Bill, page 17, line 22, by striking out "declarant or"

8 Amend Bill, page 17, lines 26 and 27, by striking out

9 "SPECIALIZING IN PLANNED COMMUNITY OR REAL ESTATE LAW"

10 Amend Bill, page 18, line 1, by striking out "a" and

11 inserting

12 the

13 Amend Bill, page 18, line 4, by striking out "a" and

14 inserting

15 the

16 Amend Bill, page 18, line 6, by striking out "a" and

17 inserting

18 the

19 Amend Bill, page 18, line 29, by striking out "If a third-

20 party vendor conducts the election, the" and inserting

21 The

22 Amend Bill, page 19, lines 3 through 5, by striking out "The

23 executive board shall ensure" in line 3 and all of lines 4 and 5

24 Amend Bill, page 19, lines 7 through 11, by striking out

25 "either an electronic or" in line 7, all of lines 8 through 10

26 and "submit the unit owner's vote." in line 11 and inserting

27 accordance with the approved methods of voting as provided  
28 under this subpart.

29 Amend Bill, page 19, line 20, by striking out "(6) and 5308"

30 and inserting

31 (6), 5308 and 5309(a)

32 Amend Bill, page 20, lines 4 and 5, by striking out ", vote

1 by proxy"

2 Amend Bill, page 20, lines 7 through 9, by striking out  
3 "collected" in line 7, all of line 8 and "absentee ballot ARE IN  
4 FAVOR OF THE AMENDMENT" in line 9 and inserting  
5 in the association are allocated

6 Amend Bill, page 20, line 17, by inserting after "meeting"  
7 and following notice to the unit owners

8 Amend Bill, page 20, line 21, by striking out "within five  
9 days after" and inserting  
10 by the commencement of

11 Amend Bill, page 20, line 25, by striking out "In-person  
12 association meetings" and inserting  
13 Timing and notice

14 Amend Bill, page 20, line 26, by striking out "in-person"

15 Amend Bill, page 21, lines 12 through 28, by striking out all  
16 of said lines and inserting

17 (b) Delivery of notice.--The bylaws must require that notice  
18 of virtual meetings of the association be given by:

19 (1) First class or express mail, postage prepaid, or  
20 courier service, charges prepaid, to the mailing address of  
21 each unit or to any other mailing address designated in  
22 writing by the unit owner. Notice under this paragraph shall  
23 be deemed to have been given to an unit owner when deposited  
24 in the United States mail or with a courier service for  
25 delivery to the unit owner.

26 (2) Facsimile transmission, e-mail or other electronic  
27 communication to the unit owner's facsimile number or address  
28 for e-mail or other electronic communications supplied by the  
29 unit owner, provided that the unit owner has agreed in  
30 writing to accept the notice by electronic means or where the  
31 bylaws expressly permit means of delivering electronic  
32 notice. Notice under this paragraph shall be deemed to have  
33 been given to the unit owner when sent.

34 Amend Bill, page 21, line 29, by striking out "(b)" and  
35 inserting

36 (c)



Amend Bill, page 22, lines 6 through 21, by striking out all of said lines and inserting

(d) Pre-election sessions.--The bylaws must require that, in the event that there are more candidates than open positions on the executive board, then, upon request of one or more of the candidates, the association shall hold a special session at least seven days before the election of an executive board member to allow the unit owners to meet each candidate for an executive board position. Each candidate for an executive board position shall have equal time to address the unit owners during a special session under this subsection.

(e) Recorded meeting.--Unless the bylaws provide otherwise, meetings of the association may be recorded by the executive board via audio or video technology, provided that an announcement is made by the presiding officer at the commencement of the meeting that the meeting will be recorded. A recorded meeting under this subsection shall be maintained and available to unit owners for a period of no less than six months after the date of the meeting.

§ 5309. Quorums.

(a) Association.--

(1) Unless the bylaws provide otherwise, a quorum is present throughout any meeting of the association if persons entitled to cast 20% of the votes which may be cast for election of the executive board are present in person or by proxy at the beginning of the meeting. The bylaws may require a larger percentage or a smaller percentage not less than 10%.

(2) If the association fails to meet a quorum at two subsequent meetings under this subsection, the association may utilize the provisions under 15 Pa.C.S. § 5756(b) (relating to quorum) to meet quorum requirements, except as otherwise provided in the declaration or bylaws of the association.

\* \* \*